

## **ENVIRONMENTAL REGULATION**

### **Community Right to Know Program**

#### **Conversion from SIC Codes to NAICS Codes; Definition of “Employer”**

#### **Special Adopted and Concurrent Proposed New Rules:**

##### **N.J.A.C. 7:1G**

Special New Rules Adopted and Concurrent Proposed New Rules

Authorized: December 1, 2003 by Bradley M. Campbell, Commissioner

Department of Environmental Protection.

Filed: December 4, 2003

Authority: N.J.S.A. 13:1D-138 et seq., and 34:5A-1 et seq., 13:1D-9, 13:1B-3, and 26:2C-1 et seq.

Calendar Reference: See summary below for explanation of exception to calendar requirement

DEP Docket Number: 28-03-12/413

Concurrent Proposal Number: PRN\_\_\_\_\_

Effective Date: December 4, 2003

Expiration Date: (270 days from December 4, 2003)

Submit written comments by (60 days from publication of the proposal) to:

Janis E. Hoagland, Esq.

Attention: DEP Docket No. 28-03-12/413

Office of Legal Affairs

New Jersey Department of Environmental Protection

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These new rules were adopted in accordance with N.J.S.A. 13:1D-141, and became effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B-4(c), as implemented by N.J.A.C. 1:30-6.4). Concurrently, the provisions of the new rules are being proposed for readoption in accordance with the rulemaking requirements of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq. The readopted rules will become effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-6.4(f)) if filed on or before the new rules' expiration date in accordance with N.J.S.A. 13:1D-141.

The agency adoption and concurrent proposal follows:

#### Summary

Because a 60-day comment period is provided for this notice of proposal, the concurrent proposal is excepted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

The New Jersey Worker and Community Right to Know Act specifies that employers engaged in certain listed business activities, defined by Standard Industrial Classification (SIC) codes, that may store, produce or use specified substances at given thresholds are subject to the requirements of the Act. As a result of the 1993 North American Free Trade Agreement (NAFTA) with Canada and Mexico, the Federal Office of Management and Budget (OMB) replaced the SIC coding system with a new, international North American Industry Classification System (NAICS) coding system. Consequently, it became necessary for the Department to redefine the Community Right to Know regulated community in terms of NAICS codes. Legislation was enacted effective August 15, 2003, directing the Department to adopt rules identifying with the NAICS codes the generally equivalent universe of employers and facilities that have been to date covered by the SIC codes listed in the Community Right to Know Act and the Department's implementing rules at N.J.A.C. 7:1G.

The New Jersey Community Right to Know (CRTK) program consists of two components: (1) the environmental hazardous substance inventory survey, and (2) toxic chemical release and materials accounting reporting. This rulemaking will accomplish the SIC to NAICS conversion for both of these program components through an amendment to the definition of "employer" in N.J.A.C. 7:1G-1.2, Definitions.

The SIC to NAICS conversion for the New Jersey Pollution Prevention Program under N.J.S.A. 13:1D-35 et seq. and the Department's implementing rules at N.J.A.C.

7:1K, which is interrelated with the CRTK Program, will be the subject of a separate special adoption and concurrent proposal to be published in a subsequent issue of the New Jersey Register.

The purpose of these rule amendments is to ensure that all currently regulated facilities will continue to be regulated and that no new industrial categories of facilities will become subject to the Community Right to Know Inventory Survey reporting requirements and the release and materials accounting reporting requirements.

To avoid either expanding the regulated universe to include businesses not currently regulated or removing some currently regulated businesses from coverage under the CRTK program, the Department undertook a systematic comparison of the two classification systems. To effect the conversion from SIC codes to NAICS codes, the Department is proposing to amend the current definition of “employer” at N.J.A.C. 7:1G-1.2 to replace the list of SIC codes with a table that lists the NAICS codes that apply because they correspond directly with the prior SIC codes and those that apply with certain exceptions and limitations. The NAICS codes included in the table are those published in 2002 by the Executive Office of the President, Office of Management and Budget, ISBN 0-934213-87-9 (NTIS PB2002- 502024). If any future revisions of the NAICS codes are made by the Office of Management and Budget, the NAICS codes listed in the table in the definition of “employer” in these rules at N.J.A.C. 7:1G-1.5 will be adjusted as necessary through a notice of administrative change. Doing so will ensure that the mandate of N.J.S.A.13:1D-138 et seq. for the Department to maintain a constant

universe of regulated facilities under this chapter can be met. Proposed new N.J.A.C. 7:1G-1.7 establishes this notice process for updating the NAICS codes in the definition.

#### Social Impact

The purpose of this special adoption and concurrent proposal is to convert the SIC codes to NAICS codes in the CRTK program. The amendments will not expand the regulated universe to include businesses not currently regulated, nor will they remove currently regulated businesses from coverage under the CRTK program. Accordingly, the amendments are not anticipated to have either a positive or negative social impact.

#### Economic Impact

The purpose of this special adoption and concurrent proposal is to convert the SIC codes to NAICS codes in the CRTK program. The amendments will not expand the regulated universe to include businesses not currently regulated, nor will they remove currently regulated businesses from coverage under the CRTK program. Accordingly, the amendments are not anticipated to have either a positive or negative economic impact.

#### Environmental Impact

The purpose of this special adoption and concurrent proposal is to convert the SIC codes to NAICS codes in the CRTK program. The amendments will not expand the regulated universe to include businesses not currently regulated, nor will they remove currently regulated businesses from coverage under the CRTK program. Accordingly,

the amendments are not anticipated to have either a positive or a negative environmental impact.

#### Federal Standards Analysis

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. (P.L.1995, c.65) require State agencies that adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a Federal Standards Analysis. This special adoption and concurrent proposed amendments do not exceed Federal standards, but incorporate the Federal industrial classification standards into N.J.A.C. 7:1G. Accordingly, no Federal Standards Analysis is required.

#### Jobs Impact

The purpose of this special adoption and concurrent proposal is to convert the SIC codes to NAICS codes in the CRTK program. The amendments will not expand the regulated universe to include businesses not currently regulated, nor will they remove currently regulated businesses from coverage under the CRTK program. Accordingly, the implementation of these amendments is expected to have no impact on employment and jobs in New Jersey, including the generation or loss of jobs.

#### Agricultural Industry Impact

The purpose of this special adoption and concurrent proposal is to convert the SIC codes to NAICS codes in the CRTK program. The amendments will not expand the

regulated universe to include businesses not currently regulated, nor will they remove currently regulated businesses from coverage under the CRTK program. Accordingly, the amendments are not anticipated to have any impact on the agricultural industry.

### Regulatory Flexibility Analysis

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52: 14B-16 et seq., the Department evaluated the effect of this special adoption and concurrently proposed amendments on small business. The amendments will not expand the regulated universe to include businesses not currently regulated or remove currently regulated businesses from coverage under the CRTK program. Any small businesses regulated under the CRTK program will continue to be regulated, but the amendments do not impose any additional requirements on those businesses. Accordingly, the Department has determined that no regulatory flexibility analysis is required.

### Smart Growth Impact

Executive Order No. 4 (2002) requires State agencies that adopt, amend or repeal State regulations to include in the rulemaking document a Smart Growth Impact statement that describes the impact of the proposed rule on the achievement of smart growth and implementation of the State Development and Redevelopment Plan (State Plan). The special adoption and concurrently proposed amendments do not relate to the State's land use and development policies in a way that would either encourage or discourage any development or redevelopment in this State contrary to the guiding

principles of the State Plan. As a result, the Department does not expect this rulemaking to have an impact on the State's achievement of smart growth or implementation of the State Plan.

**Full text** of the special adopted and concurrent proposed amendments follows:

## SUBCHAPTER 1 GENERAL PROVISIONS

### 7:1G-1.2 Definitions

"Employer" means any person or corporation, regardless of whether he pays employees, in the State, engaged in business operations having

[a Standard Industrial Classification, as designated in the Standard Industrial

Classification Manual prepared by the Federal Office of Management and Budget, within

Major Group Number 07 (Agricultural Services), only Industry Number 0782--Lawn and

Garden Services; Major Group Numbers 20-39 inclusive (Manufacturing Industries);

Major Group Number 45 (Transportation by Air), only Group Number 451--Air

Transportation, Scheduled and Air Courier Services, and Group Number 458--Airports,

Flying Fields and Airport Terminal Services; Major Group Number 46 (Pipelines, except

Natural Gas); Major Group Number 47 (Transportation Services), only Group Numbers

473--Arrangement of Transportation of Freight and Cargo, 474--Rental of Railroad Cars,

and 478--Miscellaneous Services Incidental to Transportation), Major Group Number 48

(Communications), only Group Numbers 481--Telephone Communications, and 482--

Telegraph and other Message Communications--Major Group Number 49 (Electric, Gas,



and Sanitary Services); Major Group Number 50 (Wholesale Trade--Durable Goods), only Industry Numbers 5085--Industrial Supplies, 5087--Service Establishment Equipment and Supplies, and 5093--Scrap and Waste Materials; Major Group Number 51 (Wholesale Trade, Nondurable goods), only Group Numbers 512--Drugs, Drug Proprietaries, and Druggist's Sundries, 516--Chemicals and Allied Products, 517--Petroleum and Petroleum Products, 518--Beer, Wine and Distilled Alcoholic Beverages, and 519--Miscellaneous Non-durable Goods; Major Group Number 55 (Automobile Dealers and Gasoline Service Stations), only Group Numbers 551--Motor Vehicle Dealers--(New and Used), 552--Motor Vehicle Dealers (Used Only), and 554--Gasoline Service Stations; Major Group Number 72 (Personal Services), only Industry Numbers 7216--Dry Cleaning Plants except Rug Cleaning, 7217--Carpet and Upholstery Cleaning, and 7218--Industrial Launderers; Major Group Number 75 (Automotive Repair, Services, and Parking), only Group Number 753--Automotive Repair Shops; Major Group Number 76 (Miscellaneous Repair Services) only Industry Number 7692--Welding Repair; Major Group Number 80 (Health Services), only Group Number 806--Hospitals; Major Group Number 82 (Educational Services) only Group Numbers 821--Elementary and Secondary schools, 822--Colleges, Universities, Professional Schools, and Junior Colleges and Industry Number 8249--Vocational Schools, not elsewhere classified, and Major Group Number 87 (Engineering, Accounting, Research, Management, and Related Services), only Industry Number 8734--Testing Laboratories. Except for the purposes of N.J.S.A. 34:5A-26, "employer" also means the State and local

governments, or any agency, authority, department, bureau, or instrumentality thereof, or any non-profit, non-public school, college or university.]

**the following United States North American Industry Classification System (NAICS) codes , dated and published in 2002 by the Executive Office of the President, Office of Management and Budget, ISBN 0-934213-87-9 (NTIS PB2002-502024), subject to the specified exceptions and limitations:**

<u>Subsector Code or Industry Code</u>	<u>Description</u>	<u>Exceptions and/or Limitations</u>
<b><u>11</u></b>	<b><u>Agriculture, Forestry, Fishing and Hunting</u></b>	
<u>111998</u>	<u>All Other Miscellaneous Crop Farming</u>	<u>Limited to facilities that reduce maple sap to maple syrup</u>
<u>113310</u>	<u>Logging</u>	<u>No exceptions or limitations</u>
<b><u>21</u></b>	<b><u>Mining</u></b>	

<u>211112</u>	<u>Natural Gas Liquid Extraction</u>	<u>Limited to facilities that recover sulfur from natural gas</u>
<u>212324</u>	<u>Kaolin and Ball Clay Mining</u>	<u>Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating kaolin and clay</u>
<u>212325</u>	<u>Clay and Ceramic and Refractory Minerals Mining</u>	<u>Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating clay, ceramic and refractory minerals</u>
<u>212393</u>	<u>Other Chemical and Fertilizer Mineral Mining</u>	<u>Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating chemical or fertilizer mineral raw materials</u>
<u>212399</u>	<u>All Other Nonmetallic Mineral</u>	<u>Limited to facilities operating without a mine or quarry and that are primarily</u>

	<u>Mining</u>	<u>engaged in beneficiating nonmetallic minerals</u>
<u>22</u>	<u>Utilities</u>	<u>No exceptions or limitations</u>
<u>31-33</u>	<u>Manufacturing</u>	<u>Except facilities engaged in wholesale distribution of:</u> <u>Piece Goods, Notions and Other Dry Goods (broadwoven converters, piece goods converters); and</u> <u>Meat and Meat Products (boxed beef); Groceries and Related Products, not elsewhere classified (processed bottled water manufacturing);</u> <u>and except</u> <u>Candy, Nut and Confectionery Stores (chocolate candy stores preparing on premises, nonchocolate candy stores, preparing on premises);</u> <u>Retail Bakeries (bread, cake and related products baked and sold on premises);</u> <u>Miscellaneous Apparel and Accessory</u>

		<p><u>Stores (custom tailors, custom dressmakers);</u></p> <p><u>Furniture Stores (custom wood cabinets, custom made upholstered household furniture, custom made nonupholstered wood household furniture);</u></p> <p><u>Drapery, Curtain and Upholstery Stores (custom drapes, custom slipcovers);</u></p> <p><u>Miscellaneous Home Furnishing Stores (manufacturing and selling pottery on site);</u></p> <p><u>Optical Goods Stores (optical laboratories grinding lenses to prescription);</u></p> <p><u>Miscellaneous Retail Stores (manufacture of orthopedic devices to prescription in a retail environment);</u></p> <p><u>and</u></p> <p><u>Except facilities engaged in the following services:</u></p> <p><u>Photocopying and Duplicating Services (quick printing);</u></p>
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		<u>Business Services (embroidery of</u> <u>advertising on shirts and rug binding for</u> <u>the trade, aerosol packaging, solvent</u> <u>recovery service-contract, tobacco</u> <u>sheeting service, sponging, shrinking,</u> <u>etc., fabric for tailors and dressmakers,</u> <u>batik work);</u> <u>Armature Rewinding Stores</u> <u>(remanufacturing);</u> <u>Services Allied to Motion Picture</u> <u>Production (reproduction of video);</u> <u>Dental Laboratories</u>
<b><u>42</u></b>	<b><u>Wholesale Trade</u></b>	
<u>423830</u>	<u>Industrial Machinery</u> <u>and Equipment</u> <u>Merchant</u> <u>Wholesalers</u>	<u>Except facilities engaged in sales of</u> <u>Industrial Machinery and Equipment</u> <u>(merchant wholesalers)</u>
<u>423840</u>	<u>Industrial Supplies</u> <u>Merchant</u> <u>Wholesalers</u>	<u>No exceptions or limitations</u>
<u>423850</u>	<u>Service</u>	<u>No exceptions or limitations</u>

	<u>Establishment</u> <u>Equipment and</u> <u>Supplies Merchant</u> <u>Wholesalers</u>	
<u>423930</u>	<u>Recyclable Material</u> <u>Merchant</u> <u>Wholesalers</u>	<u>No exceptions or limitations</u>
<u>4242</u>	<u>Drugs and</u> <u>Druggists' Sundries</u> <u>Merchant</u> <u>Wholesalers</u>	<u>No exceptions or limitations</u>
<u>424310</u>	<u>Piece Goods,</u> <u>Notions and Other</u> <u>Dry Goods Merchant</u> <u>Wholesalers</u>	<u>Limited to merchant wholesalers of yarn,</u> <u>except industrial</u>
<u>424340</u>	<u>Footwear Merchant</u> <u>Wholesalers</u>	<u>Limited to merchant wholesalers of</u> <u>footwear cutstock</u>
<u>4246</u>	<u>Chemical and Allied</u> <u>Products</u> <u>Wholesalers</u>	<u>No exceptions or limitations</u>
<u>4247</u>	<u>Petroleum and</u> <u>Petroleum Merchant</u>	<u>No exceptions or limitations</u>

	<u>Wholesalers</u>	
<u>424810</u>	<u>Beers and Ale</u> <u>Merchant</u> <u>Wholesalers</u>	<u>No exceptions or limitations</u>
<u>424820</u>	<u>Wine and Distilled</u> <u>Alcoholic Beverage</u> <u>Merchants</u> <u>Wholesalers</u>	<u>No exceptions or limitations</u>
<u>4249</u>	<u>Miscellaneous</u> <u>Nondurable Goods</u> <u>Merchants</u> <u>Wholesalers</u>	<u>No exceptions or limitations</u>
<u>425110</u>	<u>Business to Business</u> <u>Electronic Markets</u>	<u>Limited to facilities engaged in the</u> <u>wholesale distribution of the following:</u>  <u>Industrial Supplies (business to business</u> <u>electronic markets);</u>  <u>Service Establishments Equipment and</u> <u>Supplies (business to business electronic</u> <u>markets);</u>  <u>Scrap and Waste Metals (business to</u> <u>business electronic markets);</u>



		<u>Drugs, Drug Proprietaries, and</u> <u>Druggists' Sundries (business to business</u> <u>electronic markets);</u> <u>Plastic Materials and Basic Forms</u> <u>Sundries (business to business electronic</u> <u>markets);</u> <u>Chemical and Allied Products, not</u> <u>otherwise classified (business to business</u> <u>electronic markets);</u> <u>Petroleum and Petroleum Products</u> <u>Wholesalers, except Bulk Stations and</u> <u>Terminals (business to business</u> <u>electronic markets);</u> <u>Beer, Wine and Distilled Alcoholic</u> <u>Beverages;</u> <u>Farm Supplies (business to business</u> <u>electronic markets);</u> <u>Books, Periodicals and Newspapers</u> <u>(business to business electronic markets);</u> <u>Flowers, Nursery Stock and Florists'</u> <u>Supplies (business to business electronic</u> <u>markets);</u>
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		<u>Tobacco and Tobacco Products (business to business electronic markets);</u> <u>Paints, Varnishes and Supplies (business to business electronic markets);</u> <u>Nondurable Goods, not elsewhere classified</u> <u>(business to business electronic markets);</u>
<u>425120</u>	<u>Wholesale Trade</u> <u>Agents and Brokers</u>	<u>Limited to facilities engaged in wholesale distribution of the following:</u>  <u>Industrial Supplies, not elsewhere classified (agents and brokers);</u> <u>Service Establishments Equipment and Supplies (agents and brokers);</u> <u>Scrap and Waste Metals (agents and brokers);</u> <u>Drugs, Drug Proprietaries, and Druggists' Sundries (agents and brokers);</u>  <u>Plastic Materials and Basic Forms and Shapes (agents and brokers);</u>

		<u>Chemical and Allied Products, not otherwise classified (agents and brokers);</u> <u>Petroleum and Petroleum Products Wholesalers, except Bulk Stations and Terminals (agents and brokers);</u> <u>Beer, Wine and Distilled Alcoholic Beverages; and</u> <u>Farm Supplies (business to business electronic markets);</u> <u>Books, Periodicals and Newspapers (business to business electronic markets);</u> <u>Flowers, Nursery Stock and Florists' Supplies (business to business electronic markets);</u> <u>Tobacco and Tobacco Products (business to business electronic markets);</u> <u>Paints, Varnishes and Supplies (business to business electronic markets);</u> <u>Nondurable Goods, not elsewhere classified (business to business electronic markets);</u>
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<b><u>44 - 45</u></b>	<b><u>Retail Trade</u></b>	
<u>441110</u>	<u>New Car Dealers</u>	<u>No exceptions or limitations</u>
<u>441120</u>	<u>Used Car Dealers</u>	<u>No exceptions or limitations</u>
<u>444220</u>	<u>Nurseries, Garden Centers and Farm Supply Stores</u>	<u>Limited to wholesale facilities engaged in sales of the following:  Farm Supplies (lawn and garden supplies sold via retail method); and  Flowers, Nursery Stock and Florists' Supplies (sold via retail method)</u>
<u>445310</u>	<u>Beer, Wine and Liquor Stores</u>	<u>Limited to wholesale facilities engaged in sales of Beer, Wine and Distilled Alcoholic Beverages via retail method</u>
<u>446110</u>	<u>Pharmacies and Drug Stores</u>	<u>Limited to wholesale facilities engaged in sales of Drugs, Drug Proprietaries, and Druggists' Sundries (drugs and sundries sold via retail method)</u>
<u>446120</u>	<u>Cosmetics, Beauty Supplies and Perfume Stores</u>	<u>Except wholesale facilities engaged in retail sales of cosmetics and perfumes</u>
<u>446191</u>	<u>Food (Health) Supplement Stores</u>	<u>Except wholesale facilities engaged in retail sales of food supplements</u>

<u>4471</u>	<u>Gasoline Stations</u>	<u>Except convenience stores with gas</u>
<u>451211</u>	<u>Book Stores</u>	<u>Limited to wholesale facilities engaged in sales of Books, Periodicals and Newspapers (sold via retail method)</u>
<u>453220</u>	<u>Gift, Novelty, and Souvenir Stores</u>	<u>Limited to wholesale facilities engaged in sales of curios, statuary, gifts, novelties, and souvenirs sold via retail method</u>
<u>453910</u>	<u>Pet and Pet Supplies Stores</u>	<u>Limited to wholesale facilities engaged in sales of pets, pet supplies and tropical fish (sold via retail method)</u>
<u>453991</u>	<u>Tobacco Stores</u>	<u>Limited to wholesale facilities engaged in sales of Tobacco and Tobacco Products (sold via retail method), and Smokers' supplies (sold via retail method)</u>
<u>453998</u>	<u>All Other Miscellaneous Store Retailers (Except Tobacco Stores)</u>	<u>Limited to wholesale facilities engaged in sales of Industrial Supplies (sold via retail method), and Plastic Materials and Basic Forms and Shapes (sold via retail method)</u>

<u>454311</u>	<u>Heating Oil Dealers</u>	<u>Limited to petroleum bulk stations and terminals engaged in the distribution of heating oil sold to final customer</u>
<u>454312</u>	<u>Liquid Petroleum Gas (Bottled Gas) Dealers</u>	<u>Limited to petroleum bulk stations and terminals engaged in distribution of liquid petroleum gas sold to final customer</u>
<b><u>48 - 49</u></b>	<b><u>Transportation and Warehousing</u></b>	
<u>4811</u>	<u>Scheduled Air Transportation</u>	<u>No exceptions or limitations</u>
<u>486</u>	<u>Pipeline Transportation Industry</u>	<u>No exceptions or limitations</u>
<u>487110</u>	<u>Scenic and Sightseeing Transportation, Land</u>	<u>Limited to facilities engaged in horse-drawn cabs and carriages services</u>
<u>488111</u>	<u>Air Traffic Control</u>	<u>No exceptions or limitations</u>
<u>488119</u>	<u>Other Airport Operations</u>	<u>Except facilities engaged in flying fields operated by aviation clubs</u>

<u>488190</u>	<u>Other Support</u> <u>Activities for Air</u> <u>Transportation</u>	<u>Limited to facilities engaged in aircraft</u> <u>servicing and repairing</u>
<u>488210</u>	<u>Support Activities</u> <u>for Rail</u> <u>Transportation</u>	<u>Except facilities engaged in Railroad</u> <u>Switching and Terminal Establishments</u> <u>(all but short line railroads)</u>
<u>488390</u>	<u>Other Support</u> <u>Activities for Water</u> <u>Transportation</u>	<u>Except facilities engaged in Water</u> <u>Transportation Services (all but</u> <u>lighthouse operations, piloting vessels in</u> <u>and out of harbors, boat and ship rental,</u> <u>marine salvage, lighterage, marine</u> <u>surveyor services, and canal operations);</u> <u>and</u> <u>Repair Shops and Related Services</u> <u>engaged in ship scaling</u>
<u>488490</u>	<u>Other Support</u> <u>Activities for Road</u> <u>Transportation</u>	<u>Except Terminal And Service facilities</u> <u>for Motor Vehicle Passenger</u> <u>Transportation;</u> <u>Terminal And Joint Terminal</u> <u>Maintenance Facilities For Motor Freight</u> <u>Transportation;</u>

		<u>Arrangement of Passenger Services</u> <u>(arrangement of carpools and vanpools);</u> <u>and</u> <u>Driving services, e.g., auto or truck</u> <u>delivery and pilot car services</u>
<b><u>492110</u></b>	<u>Couriers</u>	<u>Limited to Air Courier Services</u>
<b><u>51</u></b>	<b><u>Information</u></b>	
<u>51111</u>	<u>Newspaper</u> <u>Publishers</u>	<u>No exceptions or limitations</u>
<u>51112</u>	<u>Periodical Publishers</u>	<u>No exceptions or limitations</u>
<u>51113</u>	<u>Book Publishers</u>	<u>No exceptions or limitations</u>
<u>51114</u>	<u>Directory and</u> <u>Mailing List</u> <u>publishers</u>	<u>Except Direct Mail Advertising Services</u> <u>(mailing list compilers)</u>
<u>511191</u>	<u>Greeting Card</u> <u>Publishers</u>	<u>No exceptions or limitations</u>
<u>511199</u>	<u>All Other Publishers</u>	<u>No exceptions or limitations</u>
<u>512220</u>	<u>Integrated Record</u> <u>Production/</u>	<u>No exceptions or limitations</u>



	<u>Distribution</u>	
<u>512230</u>	<u>Music Publishers</u>	<u>Except facilities primarily engaged in music copyright authorizing use, music copyright buying and licensing, and music publishers working on their own account</u>
<u>516110</u>	<u>Internet Publishing and Broadcasting</u>	<u>Except facilities engaged in internet broadcasting, special interest web sites, entertainment sites and interactive game sites</u>
<u>517110</u>	<u>Wired Telecommunication Carriers</u>	<u>No exceptions or limitations</u>
<u>517212</u>	<u>Cellular and Other Wireless Telecommunications</u>	<u>Except facilities engaged as ship to shore broadcasting carriers</u>
<u>517310</u>	<u>Telecommunication Resellers</u>	<u>No exceptions or limitations</u>
<b><u>53</u></b>	<b><u>Real Estate and</u></b>	

	<b><u>Rental and Leasing</u></b>	
<u>532411</u>	<u>Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing</u>	<u>Limited to facilities engaged in Rental of Railroad Cars</u>
<b><u>54</u></b>	<b><u>Professional, Scientific and Technical Services</u></b>	
<u>541380</u>	<u>Testing Laboratories</u>	<u>No exceptions or limitations</u>
<u>541614</u>	<u>Process, Physical Distribution, and Logistics Consulting Services</u>	<u>Except facilities engaged in Management Consulting Services (manufacturing management, physical distribution, and site location consulting)</u>
<u>541710</u>	<u>Research and Development in the Physical, Engineering and Life Sciences</u>	<u>Except facilities engaged in Commercial Physical and Biological Research; and Noncommercial Research Organizations (physical engineering and life sciences)</u>

<u>541890</u>	<u>Other Services</u> <u>Related to</u> <u>Advertising</u>	<u>Except facilities engaged in sign painting</u> <u>and lettering, showcard painting,</u> <u>mannequin decorating service and other</u> <u>advertising related business services</u>
<u>541940</u>	<u>Veterinary Services</u>	<u>Limited to facilities engaged as</u> <u>veterinary testing laboratories</u>
<b><u>56</u></b>	<b><u>Administrative and</u></b> <b><u>Support and Waste</u></b> <b><u>Management and</u></b> <b><u>Remediation</u></b> <b><u>Services</u></b>	
<u>5617</u>	<u>Services to Buildings</u> <u>and Dwellings</u>	<u>Except facilities engaged in Ornamental</u> <u>Shrub and Tree Services;</u> <u>Power washing building exteriors, not</u> <u>associated with construction;</u> <u>Disinfecting and Pest Control Services</u> <u>(exterminating and pest control);</u> <u>Building Cleaning and Maintenance</u> <u>Services (janitorial services, and services</u> <u>to building and dwellings, except</u>

		<u>janitorial services);</u>  <u>Swimming pool cleaning and</u>  <u>maintenance; and</u>  <u>Furnace, duct, gutter, and drain cleaning</u>  <u>services</u>
<u>56221</u>	<u>Hazardous Waste</u>  <u>Treatment and</u>  <u>Disposal</u>	<u>No exceptions or limitations</u>
<u>562910</u>	<u>Remediation</u>  <u>Services</u>	<u>Except facilities engaged in asbestos</u>  <u>abatement and lead paint removal</u>  <u>contractors</u>
<u>562920</u>	<u>Materials Recovery</u>  <u>Facilities</u>	<u>No exceptions or limitations</u>
<u>562998</u>	<u>All Other</u>  <u>Miscellaneous Waste</u>  <u>Management</u>  <u>Services</u>	<u>Except facilities engaged in sewer</u>  <u>cleaning and rodding</u>

<b><u>61</u></b>	<b><u>Educational Services</u></b>	
<u>611110</u>	<u>Elementary and Secondary Schools</u>	<u>No exceptions or limitations</u>
<u>611210</u>	<u>Junior Colleges</u>	<u>No exceptions or limitations</u>
<u>611310</u>	<u>Colleges, Universities and Professional Schools</u>	<u>No exceptions or limitations</u>
<u>611512</u>	<u>Flight Training</u>	<u>Except Schools and Educational Services (flying instruction)</u>
<u>611513</u>	<u>Apprenticeship Training</u>	<u>No exceptions or limitations</u>
<u>611519</u>	<u>Other Technical and Trade Schools</u>	<u>Limited to facilities engaged as Vocational Schools (except aviation and flight training and apprenticeship training)</u>
<b><u>62</u></b>	<b><u>Health Care and Social Assistance</u></b>	
<u>622</u>	<u>Hospitals</u>	<u>No exceptions or limitations</u>

<b><u>72</u></b>	<b><u>Accommodation and Food Services</u></b>	
<u>722310</u>	<u>Food Service Contractors</u>	<u>Limited to facilities engaged in dining car operations on a fee or contract basis</u>
<b><u>81</u></b>	<b><u>Other Services (Except Public Administration)</u></b>	
<u>81111</u>	<u>Automotive, Mechanical and Electrical Repair and Maintenance</u>	<u>No exceptions or limitations</u>
<u>811121</u>	<u>Automotive Body, Paint and Interior Repair and Maintenance and Glass Repair</u>	<u>No exceptions or limitations</u>
<u>811122</u>	<u>Automotive Glass</u>	<u>Except facilities engaged in automotive</u>

	<u>Replacement Shops</u>	<u>window tinting</u>
<u>811198</u>	<u>All Other</u> <u>Automotive Repair</u> <u>and Maintenance</u>	<u>Except Automotive Services</u>
<u>8113</u>	<u>Commercial and</u> <u>Industrial Machinery</u> <u>and Equipment</u> <u>(Except Automotive</u> <u>and Electronic)</u> <u>Repair and</u> <u>Maintenance</u>	<u>Limited to facilities engaged in Welding</u> <u>Repair</u>
<u>811420</u>	<u>Reupholstery and</u> <u>Furniture Repair</u>	<u>Limited to facilities engaged in aircraft</u> <u>upholstery repair</u>
<u>811490</u>	<u>Other Personal and</u> <u>Household Goods</u> <u>Repair and</u> <u>Maintenance</u>	<u>Limited to facilities engaged in pleasure</u> <u>boat repair</u>
<u>812320</u>	<u>Drycleaning and</u> <u>Laundry Services</u> <u>(Except Coin-</u> <u>operated)</u>	<u>Limited to facilities engaged as</u> <u>Drycleaning Plants, Except Rug</u> <u>Cleaning</u>

<u>812332</u>	<u>Industrial</u> <u>Launderers</u>	<u>No exceptions or limitations</u>
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**7:1G-1.7 Revisions to North American Industry Classification System Codes for purposes of definition of "employer"**

**In the event that the Executive Office of the President, Office of Management and Budget, publishes new or revised North American Industry Classification System (NAICS) codes modifying the 2002 list of NAICS codes on which the definition of "employer" at N.J.A.C. 7:1G-1.2 is based, the Department shall modify the NAICS codes in the definition as necessary to ensure that, as required by N.J.S.A.**

**13:1D-139, the generally equivalent universe of employers continues to be regulated under this chapter. Specifically, the Department shall provide limitations and/or exceptions to the NAICS codes as required to maintain the regulated universe as of August 15, 2003. The Department shall publish in the New Jersey Register a notice of the new or revised NAICS code(s) and the corresponding administrative change(s) to the definition.**

Based on consultation with staff, I hereby certify that the above statements, including the Federal Standard Analysis, addressing the requirements of Executive Order



27 (1994) and N.J.S.A. 52:14B-23, permit the public to understand accurately and plainly the purposes and expected consequences of this proposal. I hereby authorize this proposal.

Date: December 1, 2003

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Bradley M. Campbell,  
Commissioner  
Department of Environmental Protection